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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/644,984 | 08/20/2003 | Sue Smoot | SMOOT001 | 7498 |
| 7590 | 09/14/2004 | | EXAMINER | |
| Kevin Lynn Wildenstein Southwest Intellectual Property Services, LLC Suite 8 6700-B Jefferson Albuquerque, NM 87109 | | | COLETTA, LORI L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3612 | |
| DATE MAILED: 09/14/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/644,984 | SMOOT, SUE <i>28</i> |
| | Examiner | Art Unit |
| | Lori L. Coletta | 3612 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5, 6, 13-15 and 20 is/are rejected.
- 7) Claim(s) 4,7-12 and 16-19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the visor coupling system** (claims 5, 7, 8, 15 and 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference characters **101** [0022], **103** [0023], **103a**, **103b** [0023 and 0024] and **105** [0026] are not show in the Figures.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference characters **205a** and **205b** in Figure 2-D are not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because

“In one embodiment,” [0031] needs to be changed to --In one embodiment,--.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

“Light blocking apparatus 10” [0021] needs to be changed to

--Light blocking apparatus 100--.

“Preferably, light blocking apparatus 10” [0021] needs to be changed to

--Preferably, light blocking apparatus 100--.

“FIG. 1-G” [0021] needs to be changed to --FIG. 3-A--.

“FIG. 1-H” [0027] needs to be changed to --FIG. 1-G--.

“hook couplers 101a” [0027] needs to be changed to hook couplers --201a--.

“hook couplers on each visor 201d” [0028] needs to be changed to

--hook couplers 201d on each visor--.

Appropriate correction is required.

6. The use of the trademark **VELCRO** [0022] has been noted in this application. It should

be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, “a device comprising a sunlight deflection apparatus of substantially the same material” is not clear. A sunlight deflection apparatus of substantially the same material as what item?

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 5, 6, 13-15 and 20, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Poulson 5,979,967.

Regarding claim 1, Poulson ‘967 discloses a method for substantially reducing glare from sunlight when operating a vehicle having at least a pair of visors (20 and 21) adjacent to a main viewing window (16), the visors spaced sufficiently apart from each other and from the vehicle’s rear view mirror thereby defining a sunlight transmission area (S), the method comprising the steps of introducing a light blocking apparatus (10), the apparatus being of sufficient width, height and shape to substantially cover the sunlight transmission area while allowing operating

of the vehicle; and allowing the apparatus to be removably securable to the rear view mirror in the sunlight transmission area by a coupling system (51 and 52) in Figures 1 and 3.

Regarding claim 2, Poulson '967 discloses the method, the apparatus (10) being formed of a material sufficient to reduce the transmission of any sunlight from transmitting therethrough.

Regarding claim 3, Poulson '967 discloses the method, the material being formable to allow the apparatus to be folded by a vehicle operator for storage, and unfolded for use by the vehicle operator (column 4, lines 15-19).

Regarding claim 5, Poulson '967 discloses the method, the coupling system comprising at least a rear view mirror coupling system and a visor coupling system in Figure 3.

Regarding claim 6, Poulson '967 discloses the method, the rear view mirror coupling system being adjustable and comprising at least a first hook coupler (51) and a first pile coupler (50), the first hook coupler and the first pile coupler being adapted to be securely engaged to the rear view mirror and the material in Figure 3.

Regarding claim 13, Poulson '967 discloses an article (10) of manufacture for substantially reducing glare from sunlight when operating a vehicle having at least one pair of visors (20 and 21) adjacent to the main viewing window (16), the visor spaced sufficiently apart from each other and from the vehicle's rear view mirror (12) thereby defining a sunlight transmission area (S), the apparatus comprising a light blocking apparatus, the apparatus being of sufficient width and height to substantially cover the sunlight transmission area (S) while allowing operation of the vehicle, the apparatus including a notch (54) adapted to receive an arm which connects the rear view mirror to the main viewing window; and a coupling system

(50 and 51) on the apparatus, the coupling system adapted to removably secure the apparatus into and from the sunlight transmission area in Figures 1 and 3.

Regarding claim 14, Poulson '967 discloses the article (10), the article being formed of material sufficient to reduce or eliminate any sunlight from transmitting therethrough, and which is formable to allow the article to be folded by a vehicle operator for storage, and unfolded for use by the vehicle operator.

Regarding claim 15, Poulson '967 discloses the article (10), the coupling system comprising at least a rear view mirror coupling system and a visor coupling system in Figure 3.

Regarding claim 20, Poulson '967 discloses a device for shielding sunlight transmission that occurs in a sunlight transmission area (S) in the vehicle, the vehicle having at least one pair of visors (20 and 21) adjacent to a main viewing window (16), the visors spaced sufficiently apart from each other and from the vehicle's rear view mirror (12) thereby defining the sunlight transmission area, the device comprising a sunlight deflection apparatus (10) of substantially the same material, the apparatus being of sufficient width, height and shape to substantially or completely cover the sunlight transmission area, the device adapted to be removably securable to the rear view mirror by a coupling system (50 and 51) in Figures 1 and 3.

Allowable Subject Matter

11. Claims 4, 7-12 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other light blocking apparatuses similar to that of the current invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta
Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
September 7, 2004